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APPLICATION N	10.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. CONFIRMATION NO.		
10/751,072 01/02/		01/02/2004	Sven Eyckerman	2676-6264US	2266	
24247	7590	06/07/2006		EXAMINER		
TRASK	BRITT		HOWARD, ZACHARY C			
P.O. BOX 2550 SALT LAKE CITY, UT 84110				ART UNIT	PAPER NUMBER	
				1646		
				DATE MAILED: 06/07/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	Applicant(s)		
10/751,072	EYCKERMAN ET AL.	EYCKERMAN ET AL.		
Examiner	Art Unit			
Zachary C. Howard	1646			

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	Zachary C. Howard	1646	
The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress
THE REPLY FILED <u>25 April 2006</u> FAILS TO PLACE THIS APP	LICATION IN CONDITION FOR AL	LOWANCE.	
1. The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance	wing replies: (1) an amendment, aff stice of Appeal (with appeal fee) in c	idavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)
time periods: a) The period for reply expires 3 months from the mailing date The period for reply expires 3 months from the mailing date		to the officer to the contract of	
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire I Examiner Note: If box 1 is checked, check either box (a) or	ater than SIX MONTHS from the mailing	g date of the final rejecti	on.
TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	06.07(f).		
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of ex under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The appropr inally set in the final Offi	iate extension fee ce action; or (2) as
2. The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exte	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th	
a Notice of Appeal has been filed, any reply must be filed AMENDMENTS	within the time period set forth in 3	37 CFR 41.37(a).	
 The proposed amendment(s) filed after a final rejection, They raise new issues that would require further co 			ecause
 (b) ☐ They raise the issue of new matter (see NOTE below) (c) ☐ They are not deemed to place the application in beautiful appeal; and/or 	• •	ducing or simplifying	the issues for
(d) They present additional claims without canceling a NOTE: (See 37 CFR 1.116 and 41.33(a)).		ected claims.	
4. The amendments are not in compliance with 37 CFR 1.1		mpliant Amendment	(PTOL-324).
Applicant's reply has overcome the following rejection(s)):		
 Newly proposed or amended claim(s) would be all non-allowable claim(s). 	·	•	•
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows:		ll be entered and an e	explanation of
Claim(s) allowed: Claim(s) objected to: Claim(s) rejected:			
Claim(s) withdrawn from consideration:			
AFFIDAVIT OR OTHER EVIDENCE			
 The affidavit or other evidence filed after a final action, bubecause applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e). 	it before or on the date of filing a N d sufficient reasons why the affidav	otice of Appeal will <u>no</u> vit or other evidence is	ot be entered s necessary and
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to of showing a good and sufficient reasons why it is necessar	overcome all rejections under appe	al and/or appellant fa	ils to provide a
10. ☐ The affidavit or other evidence is entered. An explanatio REQUEST FOR RECONSIDERATION/OTHER	n of the status of the claims after e	ntry is below or attacl	ned.
11. The request for reconsideration has been considered but	it does NOT place the application i	n condition for allowa	nce because:
 12. ☐ Note the attached Information Disclosure Statement(s). 13. ☒ Other: See Continuation Sheet. 	(PTO/SB/08 or PTO-1449) Paper N	lo(s)	
	GARY B. NICKOL, PH.D.		
	GARY B. NICKOL, PH.D.	zch	

PRIMARY EXAMINER

Continuation of 13. Other: The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because they raise new issues that would require further consideration and/or search.

The claim amendments would require a new rejection under 112, 2nd paragraph because the amended claims are indefinite. The claimed recombinant mammalian receptor comprises an extracellular ligand-binding domain of a receptor and a cytoplasmic domain comprising a domain derived from the cytoplasmic domain of a receptor, at least one activation site, and a heterologous bait polypeptide. In the amended claims it is not clear what meets the definition of a "recombinant mammalian receptor". It is not clear whether only a single part must be mammalian (with the remaining coming from other species), or whether each and every part must be from a mammalian molecule. The specification does not provide any guidance as to the metes and bounds of the amended claims.

In view of the indefinite nature of the amended claims, the claims would be interpreted broadly to encompass either possibility.

Furthermore, the amended claims would require a new search and consideration of whether it would be obvious to modify the teachings of Medici for use with a mammalian receptor. First, Medici teaches that any proteins 'X' and 'Y' can be used as bait and prey, and the amended claims would require search and consideration of whether it would be obvious to use a mammalian protein as part 'X' is part of the chimeric receptor taught by Medici, if part 'X' were mammalian the chimeric receptor would be encompassed by the phrase "mammalian receptor". Further, while the teachings of Medici are directed to a yeast GPCR (Ste2), there are many mammalian GPCRs. The Examiner would need to search and consider whether it would be obvious to modify the teachings of Medici for use with a mammalian GPCR.

GARY B. NICKOL, PH.D. PRIMARY EXAMINER